

DURIE TANGRI LLP  
SONAL N. MEHTA (SBN 222086)  
smehta@durietangri.com  
JOSHUA H. LERNER (SBN 220755)  
jlerner@durietangri.com  
LAURA E. MILLER (SBN 271713)  
lmiller@durietangri.com  
CATHERINE Y. KIM (SBN 308442)  
ckim@durietangri.com  
217 Leidesdorff Street  
San Francisco, CA 94111  
Telephone: 415-362-6666  
Facsimile: 415-236-6300

Attorneys for Defendants  
Facebook, Inc., Mark Zuckerberg, Christopher Cox, Javier  
Olivan, Samuel Lessin, Michael Vernal, and Ilya Sukhar

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN MATEO

SIX4THREE, LLC, a Delaware limited liability  
company,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation;  
MARK ZUCKERBERG, an individual;  
CHRISTOPHER COX, an individual;  
JAVIER OLIVAN, an individual;  
SAMUEL LESSIN, an individual;  
MICHAEL VERNAL, an individual;  
ILYA SUKHAR, an individual; and  
DOES 1-50, inclusive,

Defendants.

Case No. CIV 533328

Assigned for all purposes to Hon. V. Raymond  
Swope, Dept. 23

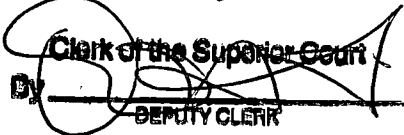
**ORDER RE: DEFENDANT FACEBOOK,  
INC.'S MOTION TO SEAL, FILED JULY 2,  
2018**

Dept: 23 (Complex Civil Litigation)  
Judge: Honorable V. Raymond Swope

FILING DATE: April 10, 2015  
TRIAL DATE: April 25, 2019

**FILED**  
**SAN MATEO COUNTY**

NOV 19 2018

Clerk of the Superior Court  
By  DEPUTY CLERK

CIV533328  
ORD  
Order  
1503018



1 Defendant Facebook, Inc.'s Motion to Seal, filed July 2, 2018, ("Motion") was set for hearing on  
2 November 2, 2018 at 9 a.m. On that date and at 9:05 a.m., in Department 23 of this Court, the Honorable  
3 V. Raymond Swope presiding, the Court called the Motion for hearing. No notice of intent to appear was  
4 given, and no appearance was made by any party or their counsel of record. Pursuant to California Rules  
5 of Court, rule 3.1308(a)(1) and Local Rule 3.10, the Court modifies and adopts its tentative ruling to  
6 become the ruling of the Court.

7 IT IS HEREBY ORDERED as follows:

8 Defendant Facebook, Inc.'s Motion to Seal, filed July 2, 2018, is DENIED.

9 In this motion, Defendant Facebook, Inc. ("Facebook") moves to seal "the confidential information  
10 contained in the redacted portions of the [Corrected] Declaration of David S. Godkin in Opposition to  
11 Defendants' Special Motions To Strike (Anti-SLAPP), filed and lodged under seal on June 18, 2018"  
12 ("Corrected Declaration"). (Notice of Motion, filed Jul. 2, 2018, p. i:6-9.)

13 In his Corrected Declaration, Mr. Godkin made only one change from his declaration filed and  
14 lodged conditionally under seal on May 17, 2018 ("Original Declaration") by adding "under the laws of  
15 the State of California" to the verification of his declaration. (Memo. Pts. Auth. ISO Motion, filed Jul. 2,  
16 2018, p. 1:8-9 ("MPA"); Kim Dec ISO Motion, filed Jul. 2, 2018, Ex. 1.) Plaintiff Six4Three, LLC  
17 ("Six4Three") concurs with Facebook's assessment of this change. (Opp. to Motion, filed Oct. 19, 2018,  
18 p. 2:3-7 ("Opp.").)

19 In the Motion, the parties incorporate by reference their arguments raised in support and opposition  
20 to Facebook's Motion to Seal, filed May 30, 2018 ("5/30 Motion"). (MPA, p. 1:12-18; Opp., p. 2:9-10;  
21 Reply ISO Motion, filed Oct. 26, 2018, p. 1:7-11.)

22 The Court finds that the Original Declaration and the Corrected Declaration are essentially the  
23 same, except for the language added to Mr. Godkin's verification, as discussed *supra*, and the exclusion of  
24 the exhibits from the Corrected Declaration.

25 At issue is the redacted language in the 212 paragraphs of the Corrected Declaration. As these are  
26 the same redactions made in the Original Declaration and for the same reasons set forth more fully on the  
27 record and in the Amended Order on Motions to Seal and Unseal, issued on November 1, 2018, the Court  
28 STRIKES, *sua sponte*, the redacted portions of Corrected Godkin Declaration in support of Six4Three's

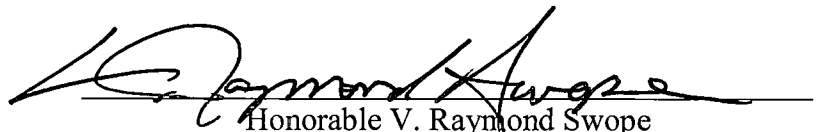
1 Anti-SLAPP Opposition at pages 1 through 76 and the unredacted parenthetical statements following  
2 citations to deposition transcripts at paragraphs 3, 7-9. (See Am. Order on Motions to Seal & Unseal,  
3 issued Nov. 1, 2018, p. 10:10-18, 11:11 – 12:11, 13:18-21.)

4 Lastly, the Court notes that Six4Three could have filed and served a Notice of Errata rather than  
5 re-file the entire declaration to correct this scrivener's error. This would have avoided the necessity of the  
6 instant motion.

7 The portions of Six4Three's evidence ordered stricken by the Court shall be stayed and shall remain  
8 lodged under seal pending the resolution of Facebook's appeal and Six4Three's cross-appeal and upon  
9 further order of the Court.

10  
11 IT IS SO ORDERED.

12  
13 Dated: **NOV 14 2018**

14   
Honorable V. Raymond Swope  
Judge of the Superior Court of California